

POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Dai et al.	Confirmation No.:	3177
Serial No.:	10/591,800; U.S. national stage of PCT/US05/07894	Art Unit:	To be assigned
Filed:	March 7, 2005	Examiner:	To be assigned
For:	CLASSIFICATION OF BREAST CANCER PATIENTS USING A COMBINATION OF CLINICAL CRITERIA AND INFORMATIVE GENESETS	Attorney Docket No.:	9301-251-999

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71  
WITH STATEMENT UNDER 37 C.F.R. 3.73(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The undersigned co-assignee of the entire interest in the above-identified subject application hereby appoints Practitioners of Jones Day associated with Customer Number 20583, which mailing address is Jones Day, 222 East 41st Street, New York, New York 10017, as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71.

Please direct all correspondence for this application to Customer no. 20583.

I am the:

- ☐ Applicant/Inventor  
☒ Co-assignee with The Netherlands Cancer Institute (NKI) of the entire interest.  
See 37 CFR 3.71.  
(Statement under 37 CFR 3.73(b) is applicable)

**Statement Under 37 C.F.R. 3.73(b)**

Rosetta Inpharmatics LLC states that it is:

- ☐ the assignee of the entire right, title, and interest; or  
☒ an assignee of less than the entire right, title and interest.

The above-referenced application is co-owned with The Netherlands Cancer Institute (NKI), an institution having a business address at Plesmanlaan 121, 1066 CX Amsterdam, The Netherlands.

in the patent application/patent identified above by virtue of either:

- ☒ An assignment from Hongyue Dai, John Lamb, Roland Stoughton, Stephen H. Friend and Yudong He of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: To:

The document was recorded in the United States Patent and Trademark Office on  
at Reel , Frame , or for which a copy thereof is attached.

2. From: To:

The document was recorded in the United States Patent and Trademark Office on  
at Reel , Frame , or for which a copy thereof is attached.

3. From: To:

The document was recorded in the United States Patent and Trademark Office on  
at Reel , Frame , or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.  
[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

**ASSIGNEE: Rosetta Inpharmatics LLC**

Date:

02 July 2007

Signature:

Edward M. Yoshida

Typed Name:

Edward M. Yoshida

Position/Title:

Managing Counsel

State of Washington )  
County of King ) SS.:

On July 2, 2007, before me, Cheryl J Brass, Notary Public, personally appeared Hongvuc Dai personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Cheryl J Brass

Notary Public  
State of Washington  
CHERYL J. BRASS  
MY COMMISSION EXPIRES  
Sept. 28, 2007

State of Washington )  
County of King ) SS.:

On June 26, 2007, before me, Cheryl J Brass, Notary Public, personally appeared John Lamb personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Cheryl J Brass

Notary Public  
State of Washington  
CHERYL J. BRASS  
MY COMMISSION EXPIRES  
Sept. 28, 2007

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS.:

On \_\_\_\_\_, 2007, before me, \_\_\_\_\_, Notary Public, personally appeared Roland Stoughton personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS.:

On \_\_\_\_\_, 2007, before me, \_\_\_\_\_, Notary Public, personally appeared Stephen H. Friend personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

State of Washington )  
County of King ) SS.:

On July 2, 2007, before me, Cheryl J Brass, Notary Public, personally appeared Yudong He personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Cheryl J Brass

Notary Public  
State of Washington  
CHERYL J. BRASS  
MY COMMISSION EXPIRES  
Sept. 28, 2007

## ASSIGNMENT

WHEREAS, WE, Hongyue Dai, citizen of the People's Republic of China, residing at 14714 77<sup>th</sup> Place N.E., Kenmore, Washington 98028; John Lamb, citizen of the United States, residing at 1216 N. 172<sup>nd</sup> Street, Shoreline, Washington 98133; Roland Stoughton, citizen of the United States, residing at 5919 Mildred Street, Apt. D, San Diego, California 92110; Stephen H. Friend, citizen of the United States, residing at 101 W. Mermaid Lane, Philadelphia, Pennsylvania 19118; and Yudong He, citizen of the United States, residing at 11410 NE 124<sup>th</sup> Street, #148, Kirkland, Washington 98034; ASSIGNORS, are co-inventors with Laura J. Van't Veer of the invention in CLASSIFICATION OF BREAST CANCER PATIENTS USING A COMBINATION OF CLINICAL CRITERIA AND INFORMATIVE GENESETS for which we have executed an application for a Patent of the United States

- ☒ which is identified by Jones Day docket no. 9301-251-999  
☒ which was filed on March 7, 2005, Application No. 10/591,800; U.S. National Stage of PCT/US05/07894

and WHEREAS, ROSETTA INPHARMATICS LLC, a limited liability company organized and existing under the laws of the State of Delaware, and having an office for the transaction of business at 401 Terry Avenue North, Seattle, Washington 98109, ASSIGNEE, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

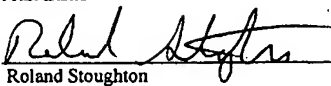
NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner for Patents and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date _____, 2007	_____ L.S. Hongyue Dai
Date _____, 2007	_____ L.S. John Lamb
Date <u>May 24</u> , 2007	_____ L.S.  Roland Stoughton
Date _____, 2007	_____ L.S. Stephen H. Friend
Date _____, 2007	_____ L.S. Yudong He

State of )  
 ) SS.:  
County of )

On \_\_\_\_\_, 2007, before me, \_\_\_\_\_, Notary Public, personally appeared Hongyue Dai, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

State of )  
 ) SS.:  
County of )

On \_\_\_\_\_, 2007, before me, \_\_\_\_\_, Notary Public, personally appeared John Lamb, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

State of CALIFORNIA )  
 ) SS.:  
County of SAN DIEGO )

On MAY 24, 2007, before me, ANGELIKA BELL, Notary Public, personally appeared Roland Stoughton, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

*Angelika Bell*



State of )  
 ) SS.:  
County of )

On \_\_\_\_\_, 2007, before me, \_\_\_\_\_, Notary Public, personally appeared Stephen H. Friend, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

State of )  
 ) SS.:  
County of )

On \_\_\_\_\_, 2007, before me, \_\_\_\_\_, Notary Public, personally appeared Yudong He, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

JOINT

ASSIGNMENT

WHEREAS, WE, Hongyue Dai, citizen of the People's Republic of China, residing at 14714 77<sup>th</sup> Place N.E., Kenmore, Washington 98028; John Lamb, citizen of the United States, residing at 1216 N. 172<sup>nd</sup> Street, Shoreline, Washington 98133; Roland Stoughton, citizen of the United States, residing at 5919 Mildred Street, Apt. D, San Diego, California 92110; Stephen H. Friend, citizen of the United States, residing at 101 W. Mermaid Lane, Philadelphia, Pennsylvania 19118; and Yudong He, citizen of the United States, residing at 11410 NE 124<sup>th</sup> Street, #148, Kirkland, Washington 98034; ASSIGNORS, are co-inventors with Laura J. Van't Veer of the invention in CLASSIFICATION OF BREAST CANCER PATIENTS USING A COMBINATION OF CLINICAL CRITERIA AND INFORMATIVE GENESETS for which we have executed an application for a Patent of the United States

- ☒ which is identified by Jones Day docket no. 9301-251-999  
☒ which was filed on March 7, 2005, Application No. 10/591,800; U.S. National Stage of PCT/US05/07894

and WHEREAS, ROSETTA INPHARMATICS LLC, a limited liability company organized and existing under the laws of the State of Delaware, and having an office for the transaction of business at 401 Terry Avenue North, Seattle, Washington 98109, ASSIGNEE, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

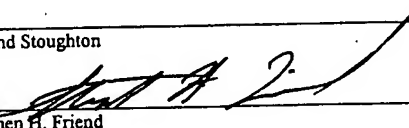
NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner for Patents and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date _____, 2007	_____ L.S. Hongyue Dai
Date _____, 2007	_____ L.S. John Lamb
Date _____, 2007	_____ L.S. Roland Stoughton
Date <u>5/23</u> , 2007	_____ L.S.  Stephen H. Friend
Date _____, 2007	_____ L.S. Yudong He

State of )  
 ) SS.:  
County of )

On \_\_\_\_\_, 2007, before me, \_\_\_\_\_, Notary Public, personally appeared Hongyue Dai, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

State of )  
 ) SS.:  
County of )

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County of )

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WITNESS my hand and official seal

State of PA )  
County of Montgomery ) SS.:  
 )

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Frances F. Deimeyer, Notary Public  
Franconia Twp., Montgomery County  
My Commission Expires Aug. 25, 2009

On 23 MAY, 2007, before me, Frances F. Deimeyer, Notary Public, personally appeared Stephen H. Friend, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

State of )  
 ) SS.:  
County of )

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POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Dai et al. Confirmation No.: 3177

Serial No.: 10/591,800; U.S. national stage of PCT/US05/07894 Art Unit: To be assigned

Filed: March 7, 2005 Examiner: To be assigned

For: CLASSIFICATION OF BREAST CANCER PATIENTS USING A COMBINATION OF CLINICAL CRITERIA AND INFORMATIVE GENESETS Attorney Docket No.: 9301-251-999

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71  
WITH STATEMENT UNDER 37 C.F.R. 3.73(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The undersigned co-assignee of the entire interest in the above-identified subject application hereby appoints Practitioners of Jones Day associated with Customer Number 20583, which mailing address is Jones Day, 222 East 41st Street, New York, New York 10017, as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71.

Please direct all correspondence for this application to Customer no. 20583.

I am the:

- ☐ Applicant/Inventor
- ☒ Co-assignee with Rosetta Inpharmatics LLC of the entire interest.  
See 37 CFR 3.71.  
(Statement under 37 CFR 3.73(b) is applicable)

**Statement Under 37 C.F.R. 3.73(b)**

The Netherlands Cancer Institute (NKI) states that it is:

- ☐ the assignee of the entire right, title, and interest; or
- ☒ an assignee of less than the entire right, title and interest.

The above-referenced application is co-owned with Rosetta Inpharmatics LLC, a limited liability company having an office for the transaction of business at 401 Terry Avenue North, Seattle, Washington 98109.

in the patent application/patent identified above by virtue of either:

- ☒ An assignment from Laura J. Van't Veer, of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR



☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: To:

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The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

**ASSIGNEE: The Netherlands Cancer Institute (NKI)**

Date:

28/6/07

Signature:



Typed Name:

Prof. Berns

Position/Title:

Research Director NKI

SOLE

ASSIGNMENT

WHEREAS, I, LAURA J. VAN'T VEER, citizen of The Netherlands, residing at Brouwersgracht 192-G, 1013 HC Amsterdam, The Netherlands; ASSIGNOR, am a co-inventor with Hongyue Dai, John Lamb, Roland Stoughton, Stephen H. Friend and Yudong He, of the invention in CLASSIFICATION OF BREAST CANCER PATIENTS USING A COMBINATION OF CLINICAL CRITERIA AND INFORMATIVE GENESETS for which we have filed an application for a Patent of the United States

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☒ which was filed on March 7, 2005, Application No. 10/591,800; U.S. National Stage of PCT/US05/07894

and WHEREAS, The Netherlands Cancer Institute, an institution organized and existing under the laws of the country of The Netherlands and having a business address at Plesmanlaan 121, 1066 CX Amsterdam, The Netherlands, ASSIGNEE, is desirous of obtaining my entire right, title and interest in, to and under the said invention and the said application:

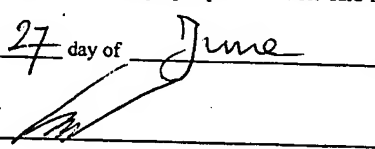
NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said ASSIGNOR, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, my entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 27 day of June, 2007

  
Laurie J. Van't Veer

WITNESSED:

By: Frédéricks

Date: June 27, 2007